

Application Serial No.: 09/986,281
Amendment dated February 17, 2004
Reply to Office Action dated November 14, 2003

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-12, 49-60, and 97-100 are presently active in this case, Claims 1 and 49 having been amended, Claims 97-100 having been added, and Claims 13-48 and 61-96 having been canceled without prejudice or disclaimer by way of the present Amendment. Claims 2-8, 10-12, 50-56, and 58-60 have been withdrawn from consideration.

In the outstanding Official Action, Claims 1 and 49 were rejected under 35 U.S.C. 102(b) as being anticipated by Miki et al. (U.S. Patent No. 5,551,337). Claims 9 and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al. in view of Higa et al. (U.S. Patent No. 5,963,241). For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Miki et al. reference is indicated as anticipating each of Claims 1 and 49. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Miki et al. reference clearly does not meet each and every limitation of the independent Claims 1 and 49.

Claim 1 of the present application recites a stencil printer for perforating a thermosensitive stencil implemented as a stencil roll with heating means to thereby make a master. The stencil printer comprises stencil distinguishing means for identifying a kind of

Application Serial No.: 09/986,281
Amendment dated February 17, 2004
Reply to Office Action dated November 14, 2003

the stencil by sensing an identification member provided on the stencil roll, and adjusting means for selecting, among master making conditions experimentally determined beforehand, a master making condition matching with information output from said stencil distinguishing means. Claim 49 of the present application recites a stencil printer for perforating a thermosensitive stencil implemented as a stencil roll with a heating device to thereby make a master. The stencil printer comprises a stencil distinguishing device configured to identify a kind of the stencil by sensing an identification member provided on the stencil roll, and an adjusting device configured to select, among master making conditions experimentally determined beforehand, a master making condition matching with information output from said stencil distinguishing device.

The Applicants submit that the Miki et al. reference does not disclose a stencil printer for perforating a thermosensitive stencil implemented as a stencil roll comprising stencil distinguishing means for identifying a kind of the stencil by sensing an identification member provided on the stencil roll, or a stencil distinguishing device configured to identify a kind of the stencil by sensing an identification member provided on the stencil roll. Accordingly, the Applicants respectfully submit that the Miki et al. reference does not anticipate Claims 1 and 49 of the present application.

The Miki et al. reference describes a plate making device and method for forming a perforation image on a stencil plate with heat-perforating means. The Miki et al. reference describes a detector for detecting a type of stencil plate and a controller for controlling perforation energy of a heat-perforating structure in accordance with an identification result

Application Serial No.: 09/986,281
Amendment dated February 17, 2004
Reply to Office Action dated November 14, 2003

of an identifying device. In the plate making device of the Miki et al. reference the detector detects the type of stencil plate. (See column 2, lines 18-24.) For example, the Miki et al. reference describes an embodiment that includes a controller (32) that detects the type of stencil plate (50) inserted into the plate making device (1) using a light sensor (31). (Column 7, lines 6-9.) The stencil plates (50) are identified on the basis of the presence or absence of a through hole (H) in the stencil plate (50). (Column 7, lines 25-30.) The Miki et al. reference also describes alternative embodiments in which the type of stencil plate (50) is determined based on a notch formed in the stencil plate, or based upon the presence or absence of a projection (P) on the stencil plate. (Column 7, lines 42-56.)

The Applicants submit that the Miki et al. reference does not disclose a stencil printer for perforating a thermosensitive stencil implemented as a stencil roll comprising stencil distinguishing means for identifying a kind of the stencil *by sensing an identification member provided on the stencil roll*, or a stencil distinguishing device configured to identify a kind of the stencil *by sensing an identification member provided on the stencil roll*, as recited in Claims 1 and 49, respectively. To the contrary, the Miki et al. reference detects the presence or absence of holes, notches, or projections on the stencil plate, rather than sensing an identification member on the stencil itself. The Miki et al. reference does not disclose or suggest sensing an identification member provided on the stencil (54A or 54C).

Additionally, the Miki et al. reference is directed to a stencil plate making device, rather than a stencil printer for perforating a thermosensitive stencil implemented as a stencil roll.

Application Serial No.: 09/986,281
Amendment dated February 17, 2004
Reply to Office Action dated November 14, 2003

Accordingly, the Miki et al. reference does not anticipate Claims 1 and 49 of the present application.

The Applicants also note that the Higa et al. reference does not supplement the deficiency in the teaching of the Miki et al. reference discussed above.

Claims 9 and 57 are considered allowable for the reasons advanced for Claims 1 and 49, respectively, from which they depend.

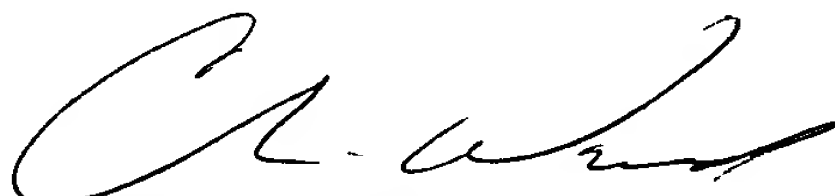
Accordingly, the Applicants respectfully request the withdrawal of the art rejections.

Newly added Claims 97-100 have support in the specification, for example on page 18, lines 16-18. Claims 97-100 are allowable for at least the reasons discussed above with respect to Claims 1 and 49 from which they depend.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf
I:\atty\cdw\215959US3\am1.doc

Christopher D. Ward
Registration No. 41,367